

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

OAH Case No. L 2006090280

H. S.-G.

Claimant,

vs.

HARBOR REGIONAL CENTER,

Service Agency.

DECISION

This matter came on regularly for hearing before Carolyn Dee Magnuson, Administrative Law Judge of the Office of Administrative Hearings, on May 4, 2007 in Torrance, California.

J. S., Claimant's mother, represented the Claimant.

Susan Laird, Program Director for Harbor Regional Center (Service Agency or HRC), appeared on behalf of the Service Agency.

Evidence was received, and the matter submitted at the close of the hearing.

ISSUES

The parties stipulated that the issue to be decided is whether the Service Agency should pay for Claimant's horseback riding lessons.<sup>1</sup>

FINDINGS OF FACT

1. Claimant is a 14 year old boy, who has been diagnosed with autism. He lives with his parents and has no siblings. His activity of choice is lining up cards with letters and numbers on them in alpha or numeric order all over the house. He shows little

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<sup>1</sup> The parties had previously resolved all other pending issues.

interest in any outside activities or in social interaction with others his age. Claimant's parents are concerned by his lack of interest in community activities and social interaction and are anxious to expand Claimant's horizons.

2. Recently, Claimant has begun horseback riding lessons at the Therapeutic Riding Center of Huntington Beach. Claimant's interest in, and willingness to participate in, horseback riding is a welcome exception to his usual resistance to leaving his home. Claimant's parents hope that this new interest can be expanded into a more generalized participation in outside activities.

3. Claimant has asked HRC to pay for one hour per week of lessons for him at the riding center. HRC has denied the request on the grounds that the Service Agency considers horseback riding to be an enrichment activity, rather than a therapeutic service, and that, as such, it is a child's parents' responsibility to pay for the activity.

4. Claimant's parents believe that the horseback riding experience offers numerous potential therapeutic benefits for Claimant, including developing strength and confidence, expanding social relationships, acquiring new skills, and learning to follow directions. Claimant's family believes that he has benefited from the horseback riding lessons he has already taken and that he would continue to benefit from future lessons.

5. HRC is willing to provide other, more traditional, social skills services for Claimant and various options have been discussed with Claimant's family. Further, because horseback riding is an individual activity, it is not viewed by the Service Agency as being a good vehicle for developing Claimant's social skills.

## CONCLUSIONS OF LAW

1. The Lanterman Developmental Disabilities Service Act (Act) was enacted to provide a mechanism by which both the State of California (i.e., the Department of Developmental Services (DDS)) and private entities (regional centers) would serve the needs of the developmentally disabled citizens of the state. The legislative purpose of the Act is found at Welfare and Institutions Code section 4501: "The State of California accepts a responsibility for persons with developmental disabilities and an obligation to them which it must discharge."

2. That obligation includes an array of services ranging from preventive services to treatment and habilitation. Those duties also include the development of, and implementation of, policies and programs dedicated to the proposition that developmentally disabled persons should be given the opportunity to maximize normalization in everyday living, lead independent and productive lives, and avoid placement in unnecessarily restrictive living environments.

3. Welfare and Institutions Code section 4646 provides for the development of a customized service plan for each regional center consumer, as follows:

(a) It is the intent of the legislature to ensure that the individual program plan [IPP] and the provision of services and support by the regional center system is centered on the individual and the family of the individual with developmental disabilities and takes into account the needs and preferences of the individual and the family, where appropriate, as well as promoting community integration, independent, productive and normal lives, and stable and healthy environments. It is further the intent of the Legislature to ensure that the provision of services to consumers and their families be effective in meeting the goals stated in the individual program plan, reflect the preferences and choices of the consumer, and reflect the cost-effective use of public resources.

(b) The individual program plan is developed through a process of individualized needs determination. The individual with developmental disabilities . . . shall have the opportunity to actively participate in the development of the plan.

4. The IPP must specifically identify the consumer's particular needs, choose a modality for addressing each of those needs, identify the goal(s) to be achieved by the chosen services or supports, and establish a method for assessing the efficacy of the chosen program. In addition, the Service Agency is required to accomplish the goals in a cost-effective manner (See Welfare & Institutions Code sections 4646, subdivision (a) (11); 4660.2, subdivision (b); and 4685.) Moreover, it may not provide services which a "generic" agency is responsible for providing. (Welfare and Institutions Code section 4648)

5. When an IPP is in place, and either the consumer or the regional center proposes making changes to the services and supports being provided pursuant to the IPP, that proposal is functionally a request to modify the existing IPP. Such a request requires that, before making a decision, the consumer and the Service Agency staff and representatives gather information and collaboratively assess the request in a manner substantially similar to that mandated for the original IPP process. In this case, Claimant is requesting that his IPP be amended to include horseback riding lessons.

6. Welfare & Institutions Code section 4648, subdivision (a) (1) states:

It is the intent of the Legislature that services and supports assist individuals with developmental disabilities in achieving the greatest self-sufficiency possible and in exercising personal choices. The regional center shall secure services and supports that meet the needs of the consumer, as determined in the consumer's individual program plan, and within the context of the individual program plan, the planning team will give highest preference to those services and supports which would allow minors with developmental disabilities to live with their families . . . and that allow all consumers to interact with persons without disabilities in positive, meaningful ways.

7. Welfare & institutions Code section 4648, subdivision (a) (2) states:

In implementing an individual program plan, regional centers, through the planning team, shall first consider services and supports in natural community, home, work, and recreational settings. Services and supports shall be flexible and individually tailored to the consumer and, where appropriate, his or her family.

8. When these provisions are considered collectively, it is apparent that it is a regional center's responsibility to assist in providing for its consumers access to the community at large. Thus, the parties' disagreement in this case is over the types of services and supports Claimant should be provided to improve his interaction with his environment and not about Claimant's entitlement to such services.

9. Claimant's parents perceive his horseback riding activity as an intervention that is working to expand his community participation. In their view, because Claimant benefits behaviorally from the lessons, they are therapeutic in nature.

10. The Service Agency is charged, under Welfare and Institutions Code section 4651, with finding innovative and economical methods of achieving the objectives of IPPs of persons with developmental disabilities. However, HRC also is responsible for monitoring the effectiveness of all services it funds, as well as ensuring the cost-effectiveness of its use of public resources. (Welfare & Institutions Code sections 4501 and 4646(a).)

11. Horseback riding lessons are not therapy in the scientifically or medically recognized sense of the word. In the absence of reliable, scientific studies confirming the efficacy of such services, there is insufficient evidence that horseback riding is a proven modality of treatment for individuals with autism.

12. Although it appears that horseback riding provides Claimant with the most satisfaction of all his social and recreational activities, this fact is not sufficient justification to require the purchase of this service by the Service Agency. In this case HRC has properly reviewed Claimant's needs and circumstances and has offered to provide alternative services, which are both more traditionally therapeutic and more cost-effective, to increase Claimant's community involvement. Thus, HRC has not abused its discretion in denying Claimant's request.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Claimant's appeal of HRC's denial of payment for Claimant's horseback riding lessons is dismissed.

Dated: May 25, 2007

/s/  
CAROLYN D. MAGNUSON  
Administrative Law Judge  
Office of Administrative Hearings

**NOTE: This is a final administrative decision pursuant to Welfare & Institutions Code section 4712.5(b) (2). Both parties are bound hereby. Either party may appeal this decision to a court of competent jurisdiction within 90 days.**